

REMARKS

In the most recent Office Action Summary sheet, the Examiner indicated claims 37-46 as rejected. However, the Examiner, in the text of the Office Action, also rejected claim 36. Despite this obvious typographical error, the Applicant has proceeded to respond to the rejection of claim 36. By this paper, claims 36, 38, and 40-42 are amended. Applicant respectfully asserts the amendments do not add any new matter. Upon entry of the amendments, claims 36-46 remain pending in the present application. Applicant respectfully requests reconsideration of the application in view of the amendments and following remarks.

Amendments to the Specification

Applicant has amended certain paragraphs of the specification to cure minor typographical errors. Applicant respectfully submits that these amendments were not made for reasons related to patentability and that no new subject matter has been added. Accordingly, Applicant respectfully requests entry of the amendments to the specification, provided herein.

Claim Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 36, 42, 45 and 46 under 35 U.S.C. § 102(b) as being anticipated by Graybill, U.S. Patent No. 5,669,571 (hereinafter "the Graybill reference"). Applicant respectfully traverses these rejections.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *See Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir.1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir.1990). That is, the prior art reference must show the *identical invention* "in as complete detail as contained in the ... claim" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicant need only point to a single element or claimed relationship not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

The Graybill reference fails to disclose each and every feature recited in Independent Claims 36 and 42

Previously pending independent claims 12 and 17 respectively recite, *inter alia*, *affixing* or *anchoring* an electrical cord to a work surface. Claims 12 and 17, now canceled, were previously rejected by the Examiner as being anticipated by the Graybill reference. See Office Action mailed Jan. 2, 2001, page 3. In response to the rejection, Applicant appealed, asserting that the Graybill reference fails to disclose affixing or anchoring an electrical cord to a work surface. See Appeal Brief filed June 6, 2001 (hereinafter "Appeal Brief"), pages 9-10. In response to the Appeal Brief, Examiner's Answer mailed August 28, 2001 (hereinafter "Examiner's Answer") stated that although the Graybill reference *does not specifically disclose an anchoring mechanism*, "it is *inherent* that the cord organizer 5 [of Graybill] is affixed or anchored by its weight. If the cord organizer moved around when the user repositioned the mouse, the invention and advantages of Graybill would be destroyed." See Examiner's Answer, page 7-8. (Emphasis added). The Board sustained the Examiner's Answer and found that an anchoring or affixing feature is inherently present in the cord organizer disclosed in the Graybill reference. See *Ex parte Murphy*, Appeal. No. 2006-0394, page 3. The Board noted that to perform features disclosed in the Graybill reference, the disclosed organizer must necessarily be anchored or otherwise affixed by its own weight. See *id* at 4. As such, Applicant has amended the presently pending claims to more clearly set forth features distinguishing the claimed method from the alleged prior art.

Independent claim 36, as amended, recites:

A method for entering data into a computer,
comprising:

providing an anchor for an electrical cord, the
electrical cord connecting a peripheral input device to a
computer;

providing a housing assembly configured to wind
up the electrical cord to retract slack in the electrical cord
as the peripheral input device is moved, wherein the
housing assembly and the anchor are connected via the
electrical cord, and wherein the housing assembly is
movable with respect to the anchor; and

providing a fastener affixed to a bottom surface of
the anchor to fasten the anchor to a work surface.

(Emphasis added). Independent claim 42, as amended, recites:

A method for entering data into a computer,
comprising:

anchoring an electrical cord to a work surface using a
fastener affixed to a bottom surface of an anchor such that
the anchor is immovable with respect to the work surface, the
electrical cord connecting a mouse to the computer;

positioning the mouse; and

between the mouse and the computer, winding up the
electrical cord in a housing assembly that is movable with
respect to the anchor, the housing assembly configured to
retract slack in the electrical cord as the mouse is positioned.

(Emphasis added).

First, Applicant asserts that the Graybill reference does not teach or suggest anchoring an electrical cord to a work surface using *a fastener affixed to a bottom surface of an anchor*, as recited in independent claims 36 and 42. The Graybill reference teaches an electrical cord storage and dispensing organizer for storing and dispensing excess electrical or communication cords used with personal computer equipment. *See* Graybill, col. 1, lines 32-35. The organizer includes a cordwheel 65 disposed inside a housing 10, 25 for storing an electrical cord. *See id.* col. 3, lines 59-67. Figure 3 of the Graybill reference shows a typical usage scenario wherein the organizer is kept in contact with a work surface. *See id.* FIG. 3. However, the Graybill reference *never* explicitly mentions or discloses that the electrical cord in the cord organizer is anchored to a work surface, nor does it mention or suggest using a fastener affixed to the bottom surface of an anchor for fastening the anchor to the work surface. As previously discussed, the Examiner has agreed on this point in stating that while the Graybill reference does not explicitly disclose an anchor for anchoring or affixing an electrical cord to a work surface, the weight of the cord organizer *inherently* anchors the electrical cord to the work surface, an interpretation later affirmed by the Board. *See* Examiner's Answer, pages 7-8; *see also Ex parte Murphy*, Appeal. No. 2006-0394, pages 3-4.

In this present Response, independent claims 36 and 42 are amended to clearly recite that the electrical cord is anchored by *a fastener affixed to a bottom surface of an anchor*, thereby excluding an interpretation that the weight of the housing assembly inherently anchors the electric cord to a work surface. As stated in the disclosure, suitable fastening mechanisms may include adhesives or fastening materials, for example, a hook and loop fastener commonly sold under the mark Velcro®. *See* Specification, page 6. In contrast, the Graybill reference is absent of any language suggesting the use of a fastening mechanism affixed to the bottom surface of an anchor, nor anywhere else on the cord organizer for keeping the electrical cord anchored to a work surface. Indeed, the Examiner has made it clear that there is no fastening mechanism, but rather, it is only the weight of the cord organizer of Graybill that inherently “anchors” the electrical cord to a work surface. For at least this reason, the Graybill reference cannot establish a *prima facie* case of anticipation against independent claims 36 or 42, or any claims dependent thereon.

Applicant further asserts that the Graybill reference also fails to teach or suggest a housing assembly that is *movable* with respect to an anchor, as recited in independent claims 36 and 42. As previously discussed, the Examiner and the Board have concluded that the cord organizer of Graybill is inherently anchored by its own weight. *See* Examiner’s Answer, pages 7-8; *see also Ex parte Murphy*, Appeal. No. 2006-0394, pages 3-4. Thus, the cord organizer of Graybill functions as its own anchor by relying on its own weight to keep itself and the electrical cord in a stationary position. As described in Graybill, the cord organizer is essentially a housing assembly 10, 25, containing a cordwheel 65 for storing the electrical cord. *See* Graybill. col. 3, lines 59-67. Therefore, because the cord organizer is anchored by its weight, and because the cord organizer *is* the housing assembly 10, 25, the housing assembly 10, 25, is clearly not movable with respect to itself. *See* Graybill, FIGS. 1, 2. Even assuming that enough force is exerted on the electrical cord to cause the housing assembly 10, 25, to move from its present position, the housing assembly 10, 25, would still *never* move independently of itself, or its own weight (the anchor). Thus, the Graybill reference fails to establish a *prima facie* case of anticipation for this additional reason.

In view of the number of deficiencies described herein, the Examiner has failed to establish a *prima facie* case of anticipation based on the Graybill reference. Accordingly,

Applicant respectfully requests withdrawal the rejections under 35 U.S.C. § 102 of independent claims 36 and 42, and any claims depending thereon.

Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 37-41, 43 and 44 as being unpatentable over the Graybill reference in view of Lundberg, U.S. Patent No. 5,844,775 (hereinafter “the Lundberg reference”). Applicant respectfully traverses these rejections.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Dependent Claims 37-41 and 43-44

Claims 37-41 are dependent from claim 36, and claims 43 and 44 are dependent from claim 42. Thus, each of the claims rejected herein depends from an independent claim rejected under 35 U.S.C. § 102, based on the Graybill reference. However, as discussed above, the Graybill reference fails to anticipate each and every element of independent claims 36 and 42. Specifically, the Graybill reference does not teach or suggest a fastener affixed to the bottom surface of an anchor, or a housing assembly that is movable with respect to an anchor. The Lundberg reference appears to suggest a fastener affixed to the bottom surface of an anchor. For example, the Lundberg reference discloses “a base portion 42 having ... a sticky, adhesive type material 45 over a surface thereof that can be used to stick the base

portion 42 to a surface, such as the surface of a desk." Lundberg, col. 2, lines 31-35.

However, the Lundberg reference does not disclose a housing assembly that is movable with respect to an anchor (base portion 42). As such, neither the Graybill nor the Lundberg reference, taken alone or in hypothetical combination, can render the recited subject matter obvious. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 37-41 and 43-44 under 35 U.S.C. § 103.

General Authorization for Payment of Fees and Extensions of Time

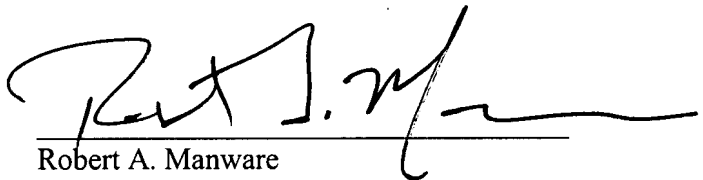
Applicant does not believe that any fees are due; however, if any fees are due at this time or during the pendency of this application, the Commissioner is authorized to charge such requisite fees to Deposit Account No. 06-1315; Order No. MICS:0190/FLE/MAN. Furthermore, in accordance with 37 C.F.R. § 1.136, Applicant hereby provides a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor and authorizes the Commissioner to charge any fees associated therewith to the above-referenced Deposit Account.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: May 21, 2007

A handwritten signature in black ink, appearing to read 'Robert A. Manware', written over a horizontal line.

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